

REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action made Final mailed March 3, 2008, is requested in view of the following remarks. Claims 1-23 were pending and at issue in this application prior to this response.

I. REJECTION OF CLAIMS 1-21 AS BEING OBVIOUS

In the Office Action claims 1-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Wallace et al. (U.S. Patent No. 6,322,576 B1) in view of Nita et al. (U.S. Patent No. 5,951,539). Applicants respectfully submit that this rejection should be withdrawn because Applicants' claimed invention for a vaso-occlusive device having a 10 loop section first helical section and a second section comprising a section of the coil in which the primary helical coil is unwound.

Claims 1 and 14 recite that the first helical section has at least 10 complete loops. The 10 loop section of the present invention facilitates placement of the occlusive coil into a catheter because it provides a section which tends to maintain a columnar shape. In contrast to Applicants' claimed invention, Wallace et al. does not teach a first helical section having at least 10 complete loops. In the Office Action, the Examiner has attempted to apply the teachings of Nita et al. to modify Wallace et al. to produce Applicants' claimed invention.

However, Nita et al. is completely inapposite to the present invention. Firstly, Nita et al. is not even directed to a vaso-occlusive device, and is not even directed to an implantable device. Contrary to the Examiner's statements, the teachings of Nita et al. would not motivate one of ordinary skill in the art to modify the device disclosed in Wallace et al. to include 10 complete helical loops along with the non-overlapping loops. In fact, Nita et al. does not have any non-overlapping loops that could possibly suggest to one of ordinary skill that there could be any

advantage to using more than the two helical coil loops shown in Fig. 23A of Wallace et al. Secondly, the loops shown in Nita et al. are placed *over* the sections of the disclosed device to provide the flexibility and kink-resistance referred to by the Examiner. In marked contrast, the helical coils of the presently claimed invention are placed adjacent the second section, and therefore function much differently than the coils of Nita et al. In view of these differences, Applicants' claimed invention as recited in claims 1 and 14 are not obvious over Wallace et al. in view of Nita et al.

Thus, claims 1 and 14 patentable distinguish over Wallace et al in view of Nita et al. Moreover, claims 2-13 and 15-24 depend from claims 1 or 14, or an intervening claim, and are not anticipated by Wallace et al. for at least the same reasons as claims 1 and 14.

Claims 23 and 24 further recite that the secondary shape further comprises a third helical section having at least 10 complete loops, wherein said second section is between said first section and said second section. The teachings of Nita et al. clearly do not teach or suggest to one of ordinary skill to modify Wallace et al. to include another helical section which is also not placed *over* the other sections of the device, as accomplished in Nita et al. Nita et al. does not even show multiple helical sections, so it is unclear how the Examiner has determined that claims 23 and 24 could be rendered obvious over Wallace et al. in view of Nita et al. Thus, claims 23 and 24 are not obvious over Wallace et al. in view of Nita et al., for at least these additional reasons.

CONCLUSION

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve

grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In view of the foregoing remarks, Applicants respectfully submit that all of the Examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the Examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

Respectfully submitted,
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